

SEP 08 2006

SMART & BIGGAR
Intellectual Property & Technology Law

To Fax no.: (571) 273-8300 **P.O. Box 2999, Station D**
Page 1 of: 4 **55 Metcalfe Street, Suite 900**
Attention: Examiner Ella Colbert **Ottawa, Canada K1P 5Y6**
Group Art Unit 3693
From: SMART & BIGGAR **Tel.: (613) 232-2486**
Your file no.: 09/788,208 **Fax: (613) 232-8440**
Reply to Ottawa file no.: 51316-3 **Date: September 8, 2006**
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3

Application Number

09/788,208

Filing Date

February 16, 2001

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First Named Inventor

Jorn Iverson

Art Unit

3693

Examiner Name

Ella Colbert

Attorney Docket Number

51316-3 /slr

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
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- Amendment / Reply
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/Incomplete Application
- Reply to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
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- Petition to Convert to a Provisional Application
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- Appeal Communication to Board of Appeals and Interferences
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- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):
1) Interview Summary - 2 pages

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name SMART & BIGGAR
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Signature

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Christine N. Genge

Date

September 8, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/788,208	Confirmation No.	6124
Applicant	:	Jorn Iverson		
Filed	:	February 16, 2001		
TC/A.U.	:	3693		
Examiner	:	Ella Colbert		
Docket No.	:	51316-3		
Customer No.	:	07380		

Commissioner for Patents
Alexandria, VA 22313-1450
U.S.A.

Dear Sir:

Further to a telephone conversation with Examiner Ella Colbert on July 25, 2006, included below is a brief summary of the conversation.

The reason for the telephone conversation was to clarify several objections raised in the Office Action dated May 9, 2006 by Examiner Colbert so as to allow Applicant to respond appropriately to the objections.

On page 7 of the Office Action in the 35 USC 112 claims rejection section, the Examiner objected to the use of the expression "an apparatus" in claim 75 as being vague and unclear. Applicant submitted to Examiner Colbert that the use of apparatus is appropriate, especially in view of the definition she provided in the Office Action that an apparatus is "a set of material or equipment designed for a particular use or an instrument or appliance designed for a specific operation". Applicant suggested an example of such an "apparatus" could be a computer based apparatus of a type shown in Figure 3 of the present application where "modules" 70,72,74,76 may be software modules adapted to run on a computer processor and "storage" 78 is a particular form of computer readable media. Examiner Colbert's response was that this should be expanded upon in the claim.

Appl. No. 09/671,253

There were several 35 USC 112 claims rejections described at the top of page 8 that Applicant desired be clarified as well.

The Examiner alleged that claims 75 and 90 recite the limitations "buyer" and "seller" in different limitations in the body of the claim. When queried about this rejection the Examiner clarified that the rejection was raised because the seller does not appear in the body of the claim after the preamble.

The Examiner alleged that claim 138 recites the limitation "a purchase agreement" in line 7. When queried about this rejection the Examiner clarified that the rejection was raised because she believes it is unclear what happens to the purchase agreement in the subsequent steps of the claims.

The Examiner alleged that claim 151 recites the limitations "transferring" and "purchasing" in lines 3 and 6, but there is insufficient antecedent basis for these limitations. When queried about this rejection the Examiner clarified that the rejection was raised not due to an antecedent related issue, but because she believes that based on the manner in which the claims are currently recited, the results of the "transferring" and "purchasing" steps are unclear.

Applicant thanked Examiner for her time and stated that a response to the Office Action would be filed shortly.

Yours truly,

IVERSEN, JORN

By 
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Date: September 8, 2006
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